

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with N.J. LBR 9004-1

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Counsel for Creditor, West Valley National Bank

In re:

HITESHRI PATEL

Chapter 11 Debtor and Debtor-in-Possession

**Honorable Kathryn C.
Ferguson**

Chapter 11

Case No. 20-17880-KCF

**APPLICATION IN LIEU OF MOTION IN SUPPORT OF ENTRY OF STIPULATION
AND CONSENT ORDER TO EXTEND THE DATE FOR WEST VALLEY NATIONAL
BANK TO FILE A PROOF OF CLAIM**

TO: HONORABLE KATHRYN C. FERGUSON
UNITED STATES BANKRUPTCY JUDGE

West Valley National Bank (the “Bank”), pursuant to Local Rule 9021-1, respectfully moves before this Court for Entry of a Consent Order to Extend the Date for the Bank to file a Proof of Claim, as follows:

1. On June 25, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of Title 11 (Subchapter V) of the United States Bankruptcy Code (the “Bankruptcy Code”).

2. On July 24, 2020, the Debtor filed an amended Form 101 Voluntary Petition [Docket No. 37] and Certification in Support [Docket No. 38], which “unelected” her Subchapter V status and changed the status of her bankruptcy proceeding to a Standard Chapter 11.
3. In the Debtor’s initial Schedule D (Creditors Who Have Claims Secured by Property), the Debtor listed “US Small Business Administration” as a creditor with a claim of \$596,456.53 secured by four properties, (i) 223 Gordons Corner Road, Marlboro, NJ 07746, (ii) 164 Beach Avenue, Jersey City, NJ, (iii) 714 S. Halliday St., Anaheim, CA, and (iv) 18885 NW Park Ridge, Beaverton, OR [legal description of Lot 33, Parks at Tanasbourne, in the City of Hillsboro, County of Washington and State of Oregon] (collectively, the “Properties”). [Docket No. 1 at page 28-29 of 62].
4. On September 21, 2020, the Debtor filed an amended Schedule D and listed the Bank as “Others to Be Notified for a Debt That You Already Listed,” referencing the scheduled entries pertaining to the US Small Business Administration.
5. On or about July 17, 2017, the Bank extended a loan (the “Loan”) in the principal amount of \$750,000.00 through the U.S. Small Business Association, to Shardanu Pizza Prs1, Inc., A California Corporation and Shardanu Pizza Prs2, Inc., A California Corporation (jointly, the “Borrowers”), which obligations were guaranteed by the Debtor and her husband, Himanshu Patel, and secured by the Properties.
6. The Bank is a secured creditor of the Debtor.
7. The Deadline for Filing Claims (the “Bar Date”) expired on September 3, 2020, prior to the Debtor amending her schedules on September 21, 2020,

8. The Bank retained counsel after it was provided with notice that the Bar Date had already passed, such that the Bank was not able to timely file a proof of claim.
9. The Bank and the Debtor seek entry of an order provided that within ten days of entry of such Order, the Bank may file a proof of claim with the Clerk of the United States Bankruptcy Court for the District of New Jersey in this bankruptcy proceeding, and that same shall be considered timely filed.
10. Based on the foregoing, the Bank and the Debtor respectfully request that the attached proposed consent order be granted.

**McELROY, DEUTSCH, MULVANEY &
CARPENTER, LLP**
Counsel to West Valley National Bank

Dated: January 12, 2021

By: Gary D. Bressler
Gary D. Bressler